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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,375	12/20/2001	Haruo Machida	03500.016039.	7735
5514 7590 07/08/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
KANG, INSUN				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
07/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/022,375

Applicant(s)

MACHIDA, HARUO

Examiner

INSUN KANG

Art Unit

2193

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009 and 23 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55, 58-60, 63-65, 68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55, 58-60, 63-65, 68 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/23/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the RCE amendment filed on 4/27/2009.
2. Claims 55, 58-60, 63-65, and 68-69 are pending in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 55, 58-60, 63-65, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry (US 6,681,392) hereafter Henry in view of Danknick et al. (US Patent 5,828,864) hereafter Danknick and Webb et al. (US 5,727,135) hereafter Webb.

Per claim 55:

Henry discloses:

-An information processing apparatus in communication with a plurality of client apparatuses via a network, the apparatus comprising a programmed processor that controls communications with the plurality of client apparatuses...determining means for determining one or more of the plurality of client apparatuses on which a driver is to be set up; (i.e. "determine locations for system and driver files that are related to the peripheral for which the software is being installed or updated," col. 4 lines 38-45).

Henry discloses a graphical user interface of an installer of a driver (i.e. col. 4 lines 3-22; col. 10 lines 30-65). Henry does not explicitly teach designation means for designating whether

test printing is to be executed after a driver set-up has been completed. However, Danknick and Webb teach designating the test printing instruction was known in the pertinent art, at the time applicant's invention was made, to provide an option to print the test page if desired (Danknick, col. 2 lines 55-58; Webb, "Test page button appearing on the printer I/O configuration screen permits a test page to be printed," col. 2 lines 20-26). It would have been obvious for one having ordinary skill in the art to modify Henry's disclosed system to incorporate the teachings of Danknick and Webb. The modification would be obvious because one having ordinary skill in the art would be motivated to selectively print the test page by clicking the test page button if desired as taught by Danknick and Webb.

Henry further discloses:

-transmission controlling means for if the designation means designates that the test printing is to be executed, controlling operations to transmit without waiting for a request from any of the plurality of client apparatus to each of the one or more of the plurality of client apparatuses determined by the determining means a set-up instruction to set up the driver for that client apparatus (i.e. "allows administrators to push drivers and network utilities down to other systems," col. 2 lines 16-20).

Henry combined with Danknick and Webb further discloses wherein, if the designation means designates that the test printing is not to be executed, the transmission controlling means controls operations to transmit the set-up instruction but not the test printing instruction to each of the one or more of the plurality of client apparatuses determined by the determining means without waiting for a request from any of the plurality of client apparatuses (i.e. "allows administrators to push drivers and network utilities down to other systems," col. 2 lines 16-20).

Per claim 58:

The rejection of claim 55 is incorporated, and further, Danknick discloses that a test print request source is printed in the test printing (i.e. "the testpage can include...MAC address, board name," col. 22 lines 16-35).

Per claim 59:

The rejection of claim 55 is incorporated, and further, Danknick discloses a name of a print server used in executing the test printing (i.e. "the testpage can include PSERVER name," col. 22 lines 16-35).

Per claims 60, 63, and 64, they are the method versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Per claims 65, 68, and 69, they are the medium versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Response to Arguments

5. Applicant's arguments filed on 4/27/2009 have been fully considered but they are not persuasive.

The applicant states that Webb does not teach selectively designating execution and non-execution of test printing after set-up of a driver has completed.

In response, Webb provides an option to print the test page if desired. By using the test page button, the printing can be selectively executed ("Test page button appearing on the printer I/O configuration screen permits a test page to be printed," col. 2 lines 20-26). That is, if test page button is not clicked, the printing will not be performed. Furthermore, Danknick also discloses such functionality (i.e. col.2 lines 55-58). Therefore, the test page button in Web and Danknick provides selective option of printing.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to INSUN KANG whose telephone number is (571)272-3724. The examiner can normally be reached on M-F 8:30-5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock, Jr. can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Insun Kang/
Primary Examiner, Art Unit 2193

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